

12-23-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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10/690,435

10/21/2003

Mark P. Pittenger

640100-470

Raymond J. Lillie
c/o Carella, Byrne, Bain, Gilfillan, Cecchi,
Stewart & Olstein
6 Becker Farm Road
Roseland, NJ 07068

DATE RECEIVED:	8-13-04
DATES ENTERED:	
1) <i>missing parts</i>	
2) <i>due 10-11-04</i>	
3) <i>due 10-11-04</i>	
4) <i>due 10-11-04</i>	
5) <i>due 10-11-04</i>	
6) <i>due 10-11-04</i>	
DOCKETED BY:	pm
DATE:	8-13

CONFIRMATION NO. 3718

FORMALITIES LETTER



OC000000013510897

Date Mailed: 08/11/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 3,6A,7A-E.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Melton

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/690,435	10/21/2003	Mark F. Pittenger	640100-470

CONFIRMATION NO. 3718

FORMALITIES LETTER



OC000000014435666

Raymond J. Lillie
 c/o Carella, Byrne, Bain, Gilfillan, Cecchi,
 Stewart & Olstein
 6 Becker Farm Road
 Roseland, NJ 07068

Date Mailed: 11/23/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 11/12/2004 to the Notice to File Missing Parts (Notice) mailed 08/11/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The oath or declaration is unsigned.
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

DATE RECEIVED:	11-29-04
1) Re-opened Extension	
2) Date on Docket	
12-11-04 2nd Ext.	
Final	
DOCKETED BY:	pm
DATE:	11-30

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark F. Pittenger Art Unit: 1632
Serial No: 10/690,435
Filed: 21 October 2003 EXAMINER: Unknown
TITLE: CARDIAC MUSCLE REGENERATION USING
MESENCHYMAL STEM CELLS
DOCKET: 640100.470

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY

Sir:

In response to the Notice of Incomplete Reply, dated 23 November 2004, enclosed is the stamped postcard dated 26 April 2004, indicating that the oath or declaration was received by the United States Patent and Trademark Office. Also, enclosed is the Notice of Missing Parts which is dated 11 August 2004. Since the declaration was filed before the Notice of Missing Parts was received by our office, no fee is believed due in filing this response. Therefore the \$65.00 surcharge fee for said late oath or declaration should be waived.

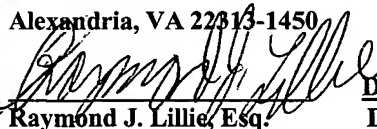
If a fee is due, the Commissioner is authorized to charge any and all such fees to Deposit Account No. 03-0678.

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV539588087US
Deposit Date: December 22, 2004

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Raymond J. Lillie, Esq. December 21, 2004
Date

Respectfully submitted,
Mark F. Pittenger


by Raymond J. Lillie, Esq.

Attorney for Applicant

Reg. No. 31,778

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

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Roseland, NJ 07068

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Fax No.: (973) 994-1744

BEST AVAILABLE COPY

DEC 22 2004

Please date stamp and return to addressee on reverse side

Applicant(s): Pittenger, et al.

Serial No.: 101690,435 Filed: 21 October 2003

Title (or mark): Cardiac Muscle Regeneration using Mesenchymal stem cells



DOCUMENTS ENCLOSED

☐ Application sheets: Descr.: _____
Drawing sheets: _____

Claims _____ Abstract _____
☐ Formal ☐ Informal

☒ Declaration (executed 1-21-04, 1-22-04, 1-23-04)

☐ Assignment to _____

☐ Verified Statement Claiming Small Entity Status

☐ Type of OA: _____

☐ Response to OA dated _____

☐ Inform. Discl. Statement

☐ _____ Mo. Ext. of Time

☒ Transmittal Letter

☐ Other _____

☐ Check Amount \$ _____ No. _____

☐ Formal Drawing _____ sheets

Express Mail Label No.: _____

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Certificate Dated: April 23, 2004

Atty.: RJL

Docket No.: 640100-470

DATE RECEIVED:	<u>4-30-04</u>
DATES ENTERED:	
1)	_____
2)	_____
3)	_____
4)	_____
5)	_____
6)	_____
DOCKETED BY:	<u>pm</u>
DATE:	<u>5-3</u>